

REMARKS

Applicants respectfully request consideration of the application in view of the foregoing amendments.

Claim 1 is amended herein to indicate that the claimed nucleic acid molecule encodes an HPV58 L1 protein consisting of SEQ ID NO:2, as suggested by the Examiner. Support for the amendments can be found, *inter alia*, in original claim 1. No new matter has been added.

Claims 10-18 and 20-25 are canceled herein without prejudice to pursuing the subject matter of said claims in a later filed divisional application(s). Claims 19 and 26-28 were canceled in a previous amendment.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that claim 1 is indefinite for recitation of the “comprising” limitation. Applicants respectfully traverse.

Applicants have amended claim 1 to advance prosecution. Specifically, Applicants have amended the claim to indicate that the claimed nucleic acid molecule encodes an HPV58 L1 protein consisting of SEQ ID NO:2, wherein said nucleic acid molecule comprises a nucleic acid sequence encoding SEQ ID NO:2 which is codon-optimized for high-level expression in a yeast cell.


Applicants assert that claim 1 is not indefinite under 35 USC §112, paragraph 2. As such, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Subject Matter Allowable over Prior Art

Claims 1-9 were deemed free of the prior art (*see* Office Action at page 3, ¶1). All other pending claims have been canceled herein. It is thus respectfully asserted that all claims are in condition for allowance and a favorable action on the merits should follow.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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